

statements in an accompanying booklet were misleading since they created the impression that by virtue of its physiological activity when used as a part of the Venus Method of Weight Control, it would be of substantial effect in the control of body weight in enabling one to arrive at a satisfactory weight, in enabling one to obtain an ideal and slender form and that when so used it was appropriate and efficacious in the treatment of obesity; whereas it would not be efficacious for such purposes. (2) In that its container (carton) was so made, formed, or filled as to be misleading.

On March 30, 1942, the defendant entered a plea of nolo contendere and the court imposed a fine of \$25 on each of the two counts.

685. Misbranding of Sixty Minute Worm Expeller. U. S. v. Raymond G. Burfeind (Chemical Products Co.). Plea of guilty. Fine, \$25. (F. D. C. No. 4111. Sample No. 26103-E.)

The labeling of this product, which was in capsule form, bore false and misleading representations regarding its efficacy in the treatment of worms in dogs and cats.

On June 10, 1941, the United States attorney for the District of Minnesota filed an information against Raymond G. Burfeind, trading as Chemical Products Co., Ellsworth, Minn., alleging shipment within the period from on or about May 11 to on or about May 29, 1940, from the State of Minnesota into the State of Oregon of a quantity of worm expeller which was misbranded.

Analyses showed that the article consisted essentially of kamala, areca nuts, charcoal, a small amount of sugar, iron sulfate, and a minute amount of nicotine.

It was alleged to be misbranded in that statements in the labeling which represented and suggested that it was a safe, sure quick-action worm expeller and would be efficacious to expel worms from dogs, puppies, cats, and kittens in 60 minutes; that it would be efficacious in the treatment of tapeworms and stomach worms; that if used every 4 months, it would be efficacious to free dogs and puppies of worms; that it would reduce the danger of distemper, paralysis, eczema, and kindred diseases to a minimum; that it would be efficacious to worm breeding bitches, to worm puppies and "cut losses to practically no losses at all," and to keep older dogs free from worms; would reduce the danger of fits, paralysis, distemper, eczema, and kindred diseases to a minimum if used every 4 months; and would worm cats and assist in keeping them in good health if used every 4 months were false and misleading since it was not a safe, sure, quick-action worm expeller but was toxic and might be harmful and would not be efficacious for the aforementioned purposes.

It was alleged to be misbranded further in that the labeling was misleading, since it failed to reveal the fact material in the light of the representations made and suggested therein, and material with respect to the consequences which might result from its use, under conditions prescribed in the labeling or under such conditions of use as are customary or usual, namely, the fact that it was toxic and might be harmful.

On January 27, 1942, the defendant having entered a plea of guilty, the court imposed a fine of 25.

686. Misbranding of Dr. Gordshell's Salve. U. S. v. 16 Dozen Jars and 53 Jars of Dr. Gordshell's Salve. (F. D. C. No. 6650. Sample Nos. 59078-E, 59079-E, 59088-E.)

On January 2, 1942, the United States attorney for the District of Columbia filed a libel against 16 dozen 1-ounce jars and 53 2-ounce jars of Dr. Gordshell's Salve at Washington, D. C., alleging that the article had been shipped on or about September 23, October 17, and November 28, 1941, by the Gordshell Chemical Co. from Baltimore, Md.; and charging that it was misbranded.

Analyses of samples showed that the article consisted of fatty, waxy, and resinous materials containing volatile oils and a trace of alkaloid (not more than 0.002 percent).

The article was alleged to be misbranded: (1) In that the statement on the jar labels and cartons, "Contains: Stramonium Alk. .05%," was false and misleading since it contained not more than 0.002 percent, if any, stramonium alkaloids. (2) In that statements appearing in the labeling which suggested and represented that it was efficacious for skin irritations and boils and that its ingredients possessed unusual properties for promoting health were false and misleading since when used as directed, it would not be efficacious for treatment of many types of skin irritation, it would not be efficacious for boils, and its ingredients did not possess unusual qualities for promoting healing. (3) In that the labeling failed to

bear the common or usual name of each active ingredient since the statement on the jar labels and the individual carton labels, "Contains: Stramonium Alk. .05%, Oil of Sassafras, Elder Flowers, Bayberry, Rosin, Beeswax, in a Suitable Base," was not a statement of the active ingredients.

On February 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

687. Misbranding of Savol and Savol Cream. U. S. v. 2 1/8 Dozen Packages of Savol and 2 1/8 Dozen Packages of Savol Cream. Default decree of condemnation and destruction. (F. D. C. Nos. 5901, 5902. Sample Nos. 64167-E, 64168-E.)

The labels of both of these products, in addition to bearing false and misleading claims, failed to bear the required ingredient and accurate quantity of contents statements. Furthermore, the cartons containing the bottles of Savol were unnecessarily large.

On September 29, 1941, the United States attorney for the Northern District of Ohio filed libels against the above-named products at Youngstown, Ohio, alleging that they had been shipped within the period from on or about June 23 to on or about August 13, 1941, by the Savol Chemical Co. from Mercer, Pa.; and charging that they were misbranded.

Analyses of samples of the articles showed that Savol consisted essentially of cresols, alkali soaps and water; and that the Savol Cream consisted essentially of zinc oxide, barium sulfate, petrolatum, and perfume materials.

The Savol was alleged to be misbranded (1) in that statements in the labeling which represented that it would be efficacious to protect against and prevent serious infection; that it would be efficacious in the treatment of bites of animals, open sores, irritation of the throat or nasal passages arising from catarrh, hay fever, or kindred ills; that it would minimize the possibility of infected sores, abscesses, boils, felons, and all complications due to infections, and that it would always be helpful and often curative, were false and misleading since it would not be efficacious for such purposes; and (2) in that its container was so made, formed, or filled as to be misleading.

The Savol Cream was alleged to be misbranded in that statements in the labeling which represented that it was an antiseptic and would be efficacious in the treatment of cuts, boils, felons, sores, ulcers, itching and all forms of piles, eczema, skin affections in general, and bites of animals; that it would be efficacious for the after treatment of carbuncles and erysipelas and in the treatment of sore throat, croup, and enlarged glands when used on the neck, were false and misleading since it would not be efficacious for such purposes.

Both products were alleged to be misbranded (1) in that their labels failed to bear the common or usual names of the active ingredients; and (2) in that their labels failed to bear an accurate statement of the quantity of contents.

On November 26, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

688. Misbranding of Waft-Surgical. U. S. v. 11 Gallon Bottles of Waft-Surgical. Default decree of condemnation and destruction. (F. D. C. No. 5810. Sample No. 49661-E.)

The labeling of this product bore false and misleading antiseptic and therapeutic claims and also failed to bear the common or usual names of the active ingredients.

On September 22, 1941, the United States attorney for the Eastern District of Texas filed a libel against the above-named product at Rusk, Tex., alleging that the article had been shipped in interstate commerce from Springfield, Ill.; a portion on or about April 20, 1940, by Waft Products, Inc., and the remainder on or about June 13, 1941, by the Federal Cosmetic Sales Corporation; and charging that it was misbranded.

Analysis showed that the article consisted essentially of water and formaldehyde, with small amounts of terpineol and a yellow-green coloring material.

The article was alleged to be misbranded in that representations in the labeling that it had a phenol coefficient of 70, that it would be efficacious as an antiseptic, disinfectant, fungicide, germicide, parasiticide, in the dilutions suggested; that it would be of value as a wet dressing or application on wounds in the dilutions suggested; that it would inhibit disease producing micro-organisms and would be efficacious for sterilization of surgical instruments; that it would be efficacious for general prophylactic treatment; that it would be efficacious in the treatment of wounds and infections, would neutralize fetid odors; would control obnoxious odors incident to tissue breakdown due to cancer, gangrene, "infected amputations," pus drainage, fistulae, urinary fecal, etc.; that when used as a wet dress